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FACSIMILE TRANSMITTAL

DATE: February 22, 2006TO: Byron A. Eliashof, M.D.
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FAX 596-7803FROM: KENDRA K. KAWAI
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530 South King St., Room 110
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Ph: (808) 523-4116
Fax: (808) 523-4583/550-6825CASE/SUBJECT: COLOYAN v. BADUAMESSAGE: Please find enclosed the list of questions that I will ask you at tomorrow's deposition.NUMBER OF PAGES: 7
(including cover)

FYI - I put asterisks next to questions that I would like to discuss with you prior to your deposition. Please let me know if you have any questions or need to reword questions. Thanks!
- Kendra

KENDRA K. KAWAI
Deputy Corporation Counsel

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Exhibit "4"

- d. Are these judges in Hawaii courts?
 - e. Are these judges in other jurisdictions? If so, where?
- 2. Have you testified in court as an expert in that field?
 - a. Approximately how many times?
 - b. Where (State and federal)
 - c. Plaintiff or Defendant?
- f. Professional associations/seminars regarding forensic psychiatry
 - 1. What associations do you hold a membership?
 - 2. Do you attend any seminars?
- g. Journal Articles
 - 1. What professional journals, magazines, or other periodicals do you read on a regular basis as part of your profession?
 - 2. Do you regularly read any such publications regarding forensic psychiatry?
 - 3. Have you written any such articles on forensic psychiatry?
 - 4. Have you written any articles regarding emotional and mental disturbances?
 - a. What articles have you written?
- h. Testimony as Expert in Litigation
 - 1. In your work as a forensic psychiatric, do you consult with Plaintiffs and Defendants?
 - 3. Can you give us a percentage of times that you consulted for Plaintiffs?

** We need to discuss your answer prior to deposition.

4. Can you give us a percentage of times that you consulted for Defendants?
5. Has any judge appointed you as a psychiatric expert to advise them on the bench? **
 - a. If yes, how many times?
 - b. Are these cases all in Hawaii?
 - c. Anywhere else?
6. Have you been retained by an attorney in the Office of the Corporation Counsel for any other cases?
 - a. How many times?
7. Have you been retained by any attorneys with regard to cases against the City?
 - a. How many times?

TO THE COURT: MAY I PROCEED WITH QUESTIONS WITH DR. ELIASHOF?

3. Did you perform an examination on the Plaintiff, Ofelia Coloyan?
 - A. At whose request did you perform this examination?
 - B. How long did the examination last?
 - C. What was the assignment?
 - D. How much did you charge Defendants to perform this examination?
 - E. How much are you charging for your testimony today?
 - F. Are the rates that you just mentioned what you charge any party that wishes to retain you for your services?

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- G. Did you write a report about your assessment of Plaintiff?
- Do you recognize Defendants' Exhibit ___?
 - What is Defendant's Exhibit ___?
 - When did you write it?
 - Was that report based upon your examination of Plaintiff and review of the records?
 - At this time, I ask you to set your report aside but if you need to refer to it, please let me know.
- H. What did your examination of Plaintiff consist of?
- I. Did you review any records to familiarize yourself with Plaintiff's medical history?
- What medical records did you review?
- J. Other than medical records did you review any other records?
- What records did you review?
- ✓ K. What was significant in the records that you reviewed? — *See attached exhibit*
- L. Did you make any diagnosis after conducting your examination?
- What did you find?
 - Did you make any other diagnosis? NO
- M. What is your opinion as to the primary cause of Plaintiff's emotional distress?
- Concerned about her son
 - What is the basis for concluding that the primary cause of Plaintiff's emotional distress was due to her concern/worry for her son?

- Why is it clear to you that the primary issue for Plaintiff's emotional distress was her concern or worry for her son? [Report, p.34]

N. Did you form any opinions as to any other cause of her emotional distress?

1. What are the other causes of Plaintiff's emotional distress? (Two)

- Neighbors/public embarrassment
 - What is the basis on which you offer that opinion?
 - In addition to her neighbors, was she embarrassed to relate the incident to anyone else? (brothers and sisters)
 - Is it your opinion that she was embarrassed, in general, about what other people might think of her if they learned about the arrest warrant for her son?
- Police being present in home
 - What is the basis on which you offer that opinion? *- I did forget*
 - Why is it that you labeled this cause of her emotional distress as of less importance than the other two? *0-100*

2. Did Plaintiff tell you that she became increasingly angry after the incident when she thought about what happened?

- Did you form an opinion as to why she became angry? *** - I did not*
- Why was she angry? *- I did not see any reason*

O. How long did she suffer from emotional distress?

- Emotional distress lasted two to three weeks, no residuals.

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- o Once she was over her emotional distress, did she have any remaining problems? No.
- o How did you come to the conclusion that her emotional distress lasted two to three weeks? — *the first month or so*
- o Doctor, is it fair to say that she overcame her emotional distress without any psychiatric or psychological treatment? — *most of*

4. In your interview with Plaintiff, did you talk at length with her about what happened when the police came to her home?

a. What did she tell you?

- Did you review records of Plaintiff's accounts of what happened when the police came to her house?
- Did you find any inconsistencies in Plaintiff's accounts of what happened? —
- What is the significance to you of these inconsistencies? —

5. Is it important for a psychiatrist to perform an examination such as you did when assessing that person's mental or emotional health?

- Why is it important? — *to be able to identify if a person is in a state of emotional distress*
- What was the importance for you in conducting this examination of Plaintiff? [emotions, manner, etc.]
- Did the emotion that she showed in your interview with her confirm that her concern and worry was for her son being wanted by the police? — [recap]
- Are all the opinions that you have given here today made to a reasonable degree of medical probability?

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